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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent on its sixteenth session

Addendum

Mission to Sweden*

Summary

This report contains the findings of the Working Group of Experts on People of African Descent on its country visit to Sweden, 1–5 December 2014. It presents the legal, institutional and policy framework, as well as the measures taken to prevent Afrophobia, xenophobia and racial discrimination, and protect the human rights of people of African descent in Sweden, underscoring positive developments and some gaps in implementation which need to be addressed. The report describes the situation, highlights good practices and the main challenges identified, and makes concrete recommendations.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex, is circulated in the language of submission only.

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Annex

[English only]

Report of the Working Group of Experts on People of African Descent on its mission to Sweden (1 – 5 December 2014)

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I. Introduction

1. At the invitation of the Government of Sweden, the Working Group of Experts on People of African Descent undertook a country visit to Sweden, 1–5 December 2014. The members of the delegation were experts Mireille Fanon Mendes-France, Verene Shepherd and Sabelo Gumedze.

2. The Working Group met with representatives of several Government departments and offices, including the Minister for Culture and Democracy, and representatives from the Ministry of Foreign Affairs, Ministry of Employment, the Ministry of Justice, the Swedish Prosecution Authority, the Swedish National Council for Crime Prevention, the Ministry of Education and Research and the Equality Ombudsman. The Working Group also met with communities with a large population of people of African descent living in the suburbs, lawyers, academics and non-governmental organizations. During their visit, the experts visited Stockholm, Malmö and Lund. The experts also visited the Swedish Migration Board and its detention facility in Märsta, and went on a very educational guided tour of memorial sites in Stockholm "In the Footsteps of Slavery" (I slaveriets fotspår) organized by the Afro-Swedish Association.

3. In Malmö, the Working Group met with representatives from the local authorities, including representatives of the municipality and the Hate Crime Unit of police and prosecutors, as well as civil society representatives.

4. The experts wish to thank the Government for its invitation and for its cooperation during the visit. The experts in particular thank the Ministry of Foreign Affairs and the Division for Discrimination Issues at the Ministry of Employment for their support. The experts would also like to warmly thank all the people who met with the Working Group and shared their views on the human rights situation of Afro-Swedes and Africans in the country.

II. Background

A. Brief history of people of African descent in Sweden

5. The history of people of African descent in Sweden started with the transatlantic trade in captured Africans, which occurred during the seventeenth, eighteenth and nineteenth centuries, when Swedish overseas colonies were established in North America (1638), Africa (1650) and the Caribbean (1784). The trade remained legal until 1813.

6. Sweden also had treaties with England and France concerning the transatlantic trade in captured Africans, with Swedish vessels involved in the trade. Between 1784 and 1878, the country held minor colonies in the Caribbean. The Swedish island Saint-Barthélemy was a duty-free port and became an important centre for the Caribbean slave trade. Enslaved Africans were brought in tax-free by foreign vessels and the King of Sweden collected an export tax when enslaved Africans were shipped out. Sweden was also a major supplier of iron used in the transatlantic trade in captured Africans. The so-called "voyage iron" was used in exchange for captured Africans, the manufacturing of rifles that were shipped to Africa and the machetes used on the plantations.

7. On the basis of a decision taken in 1846, slavery was abolished in all parts of Sweden, including the colonies, in1847. Slavery in Saint-Barthélemy was ruled under the Ordinance concerning the Police of Slaves and Free Coloured People dated 30 July 1787

(original in French dated 30 June 1787). The last legally owned enslaved Africans in the Swedish colony of Saint-Barthélemy were bought free by the State on 9 October 1847.

8. There is no reason to believe that Sweden, during the seventeenth, eighteenth and nineteenth centuries, was an exception to the practice of reducing Africans and their descendants to subhumanity and property. In Sweden, too, as elsewhere in Europe during this period, such a view of Africans and their descendants was systematized and made broadly popular as ideas of racial difference and hierarchy. For example, the Swedish biologist Carl von Linnaeus was an internationally influential pioneer of such race-thinking as a biological idea. Sweden established the world's first national institute for race biology in 1922 with the purpose of studying eugenics and human genetics and developing and practicing State-sanctioned eugenics.

9. African immigrants and people of African descent have been living in Sweden since the seventeenth century. The 1970s, 1980s and 1990s saw increasing immigration from Africa, often as a consequence of armed conflict. Sweden is one of the countries in Europe that receives the largest number of asylum applications.

B. The current ethnic, demographic and political situation

10. Swedish population statistics are reported by Statistics Sweden and other bodies. Population statistics are gathered by variables including sex, citizenship and country of birth. Sweden does not compile official statistics on people's ethnicity or religion. Under the Personal Data Act (1998:204), the processing of personal data that reveals race, ethnic origin or religious belief is prohibited as a general rule.

11. According to Statistics Sweden, the total population in Sweden in 2014 was 9,747,355, and there were 154,000 Swedish residents who were born in Africa. Of these, the largest group consisted of those born in Somalia (57,906), followed by Eritrea (21,827), Ethiopia (16,145) and Morocco (9,030). Also in 2014, the number of people in Sweden holding citizenship from a country in Africa was 93,039. The largest group among these consisted of migrants holding citizenship of Somalia (47,056), followed by Eritrea (18,012), Ethiopia (5,096) and Nigeria (3,005).

12. According to civil society estimations, the number of Africans and people of African descent living in Sweden amount to approximately 200,000, representing 2 per cent of the population of 9.6 million.[1]

13. The Afrophobia 2014 report,[2] estimates that the number of Afro-Swedes (defined as all residents in Sweden of sub-Saharan African descent, including the Americas and the Caribbean) stands at around 180,000, of whom 60 per cent are foreign born, while 40 per cent were born in Sweden.

14. It is reported that about 80 per cent of Afro-Swedes are first- or second-generation Africans. Of these, the overwhelming majority are, or have parents who are, from the Horn of Africa (Djibouti, Eritrea, Ethiopia, Somalia or Sudan). According to reports, most Afro-Swedes have not been immediately shaped by the experience of being descendants of transatlantic enslaved Africans; they are more likely shaped by the so-called New African Diaspora experience of being post-colonial African immigrants. To this group, the pronounced racialization of Africans and African descendants in the West, at the expense of

[1] Afro-Swedish National Association, Alternative Report to Sweden's 19th, 20th and 21st periodical reports to the Committee on the Elimination of Racial Discrimination, August 2013.

[2] Multicultural Centre, *Afrofobi, En kunskapsöversikt över afrosvenskars situation i dagens Sverige*, 10 December 2014.

other identities, is often a novel experience. Afro-Swedes are a diverse group that does not share a common history of enslavement or being subjected to Swedish rule. Nonetheless, Afro-Swedes are a group that is racialized in particular ways, situated in internationally widespread racial hierarchies that often place black people at the bottom, implicated by the legacies of the transatlantic trade and European colonialism, and challenge popular conceptions of Swedish nationality and the conditions that shape their racial identities. Mixed-race persons with one black parent are considered Afro-Swedish, as they are unlikely to be perceived as white and will tend to be associated (if not always identified) with being black.[3]

15. Due to the lack of data, the Government was unable to provide any information on the level of representation of people of African descent in Government departments and agencies. The Statistics Sweden website has some data regarding nominated, elected and not-elected candidates in the general election by country of birth.

16. The Government mentioned that one of the problems with the collection of data on ethnicity was that that some of the national minority groups were very much against such compilation of statistics because of historical reasons. However, in discussions with the experts, they recognized that it was important to collect data and information about the living conditions of the population, including different minorities, and said they were considering other tools for this purpose.

17. The Equality Ombudsman informed the experts about a study published in 2012 concerning the development of national equality data. One of the reasons the Government commissioned the study was to address criticisms concerning the lack of disaggregated data that could shed light on the living conditions of different protected groups. The second reason was that the lack of disaggregated data according to different discrimination grounds constituted an obstacle to formulating and following up on the national equality policy. The Equality Ombudsman concluded that following up on the national equality policy required the development of a comprehensive knowledge base of equality data as there were shortcomings in the current knowledge base with equality statistics only available in relation to women and men. There could be exceptions to the prohibition on processing sensitive personal data in the Personal Data Act. Currently, the Survey on Living Conditions includes two variables that have relevance for the equality policy – age and sex. Section 20 of the Personal Data Act allows for the Government to issue regulations on exemptions from the prohibition on processing of sensitive personal data if it is necessary in regard to an important public interest. The Equality Ombudsman's conclusion is that it is not possible to use the same method for producing equality statistics in relation to all the protected groups in the study. It recommended the development of a comprehensive national strategy on equality data and equality statistics for the sake of formulating and following up on the equality policy. It also recommended that the Government first introduce the concepts of equality data and statistics in the public debate so there would be a general understanding and acceptance of the need to collect and process sensitive data. It also confirmed that different protected groups had different levels of sensitivity and different expectations on equality data.

18. The Working Group was informed that political discourse by far right parties in Sweden, as in other countries, had contributed to the negative picture that immigration was a problem and a threat to Swedish culture and the welfare system. This had created a rise in Afrophobic attacks and fear amongst the communities concerned. In September 2010, the Swedish Democrats (Sverigedemokraterna), a xenophobic and nationalist party, entered

[3] Michael McEachrane (editor) and Paul Gilroy (foreword), *Afro-Nordic Landscapes: Equality and Race in Northern Europe (Routledge Studies on African and Black Diaspora)* (Routledge, 2014).

into the Swedish Parliament following the general elections. It received 20 seats in Parliament and 5.7 per cent of the votes. At the time of the Working Group's visit to Sweden, there was a political crisis following a move by the right-wing opposition and the Swedish Democrats to block the Government's plans. On 3 December 2014, the *Riksdag* rejected the proposed Government budget in favour of a budget proposed by the right-wing opposition. Many of the Government plans to address Afrophobia, presented to the Working Group during the visit, were in the budget for 2015, and as the budget was not passed by Parliament, it was uncertain if the planned projects were going to take place or not. The same day, the Prime Minister declared that the cabinet would call an extraordinary election to be held on 22 March 2015. For constitutional reasons, the extraordinary election could not be called until 29 December 2014. However, on 27 December 2014, the Prime Minister announced the extraordinary election would not be held, following a six-party agreement on future budget procedures involving all major parties except the Left Party and the Sweden Democrats. The budget was therefore passed and the planned projects could take place.

III. Framework and steps taken for the protection of the human rights of people of African descent

A. Legal framework

19. Sweden is a party to several international human rights instruments which prohibit racial discrimination and protect the rights of people of African descent, including the International Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities. Sweden has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Sweden is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Convention and its protocols were incorporated into the Swedish legal system in 1995.

20. The Swedish Constitution — the Instrument of Government of 1974 — provides fundamental legal protection against ethnic discrimination. As a result of amendments to the Instrument of Government that entered into force on 1 January 2011, it is now clearer that the basic principles regarding the constitutional protection of freedoms and rights applies to each and every individual, i.e. to both Swedish citizens and others present in the country. On 1 January 2011, the term "race" was deleted from the Instrument of Government. It has now been replaced by the expression "ethnic origin, colour or other similar circumstance". According to the Government, the term does, however, still exist to some extent in regular legislation. As regards the prohibition of discrimination laid down in the Instrument of Government, there has been no substantive change. Nor have any changes been introduced that affect the possibility of using the law to restrict the freedom of assembly of groups or organizations whose activities involve the persecution of other groups, e.g. due to perceptions of race.

21. The principal domestic legislation against racial discrimination is the new Discrimination Act (Swedish Code of Statutes 2008:567), which entered into force on 1 January 2009. The new law replaced previous anti-discrimination laws. It prohibits discrimination associated, inter alia, with ethnicity, religion or other belief. Ethnicity is defined for the purposes of the law as "national or ethnic origin, colour or other similar

circumstance". Ethnic origin means that people share a sociocultural heritage, inter alia history, and a common origin, language and religion.

22. The Government informed the experts that the word "race" is not used in the law because the law assumes that all people belong to the human race. They underlined that this change does not mean that protection against discrimination on grounds of "race" is weakened. Instead, the definition uses the words "colour" and "other similar aspects". They explained that if discrimination occurs with reference to a person's "race" or any other derogatory designation referring to persons with a foreign background, it falls within the area of what is meant by "other similar circumstance". Moreover, there are still regulations where the term is used, for instance regarding funding for activities to combat racism, etc.

23. The experts were informed that a special investigator had been given the assignment, inter alia, to consider whether the term "race" should be removed from the laws where it still existed and possibly be replaced by other wording. In the assignment, it was stated as a prerequisite that the removal would not weaken the protection of any protected group and that Sweden continued to fulfil its international obligations.

24. The Working Group is aware that to delete "race" from the *lexical corpus* does not eliminate racism based on racial discrimination. Rather it may be a way to ignore, minimize or obscure the reality of the specifically "racial" racism faced by a part of the Swedish population. Afro-Swedes belong to many different ethnic groups but may still be subject to racial discrimination as a group. Race may not be a biologically meaningful category, but it still is a socially salient category. And anti-discrimination law, and by extension politics, needs to be able to address this reality in unequivocal terms.

25. According to the Government, the Discrimination Act contains prohibitions against discrimination that are applicable in virtually all areas of society (working life, education, employment policy activities and employment services not under public contract, membership of certain organizations, goods, services, housing, public meetings and events, health, medical care and social services, the social insurance system, unemployment insurance, financial aid for studies, national military service, civilian service and public employment).

26. A new penalty, compensation for discrimination, was introduced for infringements of the Discrimination Act, to facilitate the provision of higher levels of compensation to victims of discrimination for the abuse represented by an infringement and to act as a deterrent against discrimination.

27. The new Act also introduces a right for non-profit organizations to bring an action on behalf of an individual in the same way as employee organizations are entitled to do.

28. The Working Group was informed that, since its adoption, the Act had been extended and more improvements were currently under work.

29. The experts were informed that the Government had appointed an inquirer to propose how the work against discrimination could be organized and be more efficient. The task of the Equality Ombudsman was to monitor compliance with the Discrimination Act. As part of its mandate, the Equality Ombudsman could investigate complaints of discrimination that violated the provisions of the Discrimination Act, and in so doing represent the complainant in connection with settlements or, as a last resort, in court. The investigator shall, inter alia, analyse the legal possibilities and mandate of the Equality Ombudsman in the processing of complaints, out-of-court settlements and in bringing cases to court, and to establish if clarifications regarding these different aspects are needed.

30. The Equality Ombudsman is complemented throughout Sweden by 16 anti-discrimination bureaux, partially funded by Government; they support victims with complaints, either on their own or in cooperation with the Equality Ombudsman. The anti-

discrimination bureaux' 2014 report (*Årsrapport* 2014) stated that 47 per cent of complaints were settled out of court through financial settlements, 46 per cent discontinued, with only 7 per cent ended through a judicial decision. It seems anti-discrimination bureaux are only minimally focused on discrimination based on race and receive few cases; with the absence of Afro-Swedish or other ethnic minority lawyers and consultants at the anti-discrimination bureaux, they have a low rate of confidence amongst members of the Afro-Swedish community.

31. The Penal Code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation, namely those relating to agitation against a national or ethnic group (chap. 16, sect. 8) and to unlawful discrimination (chap. 16, sect. 9). The Act on Responsibility for Electronic Bulletin Boards (1998:112) also works against agitation against national or ethnic groups.

32. According to chapter 29, section 2, paragraph 7 of the Penal Code, it is to be considered an aggravating circumstance when assessing penal value if the motive of a crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. The provision is applicable to all crime categories.

B. Institutional and policy measures

33. The Working Group met with the Minister for Culture and Democracy and other Government representatives, who informed the experts of the Government's concerns and plans to address racism and Afrophobia in Sweden.

34. In discussing the controversial event in 2012 in which the former Swedish Minister of Culture, in front of a laughing white audience, cut a piece of a cake depicting a racist caricature of an African woman and re-enactment of female genital mutilation, the experts discussed how the spectacle was found by many to be deeply offensive. The Afro-Swedish community strongly protested and called for the resignation of the Minister in this case and were disappointed by the lack of action taken. The current Minister commented that the cake installation, created by the Afro-Swedish artist Makode Linde, was provocative and the incident had sparked an important critical debate on anti-black racism in Sweden, the representations of black people, women in particular, and the denial surrounding the issue.

35. The Division for Discrimination Issues within the Ministry of Employment (now within the Ministry of Culture) has the task of dealing with issues of discrimination and racism in general; it works with different Government divisions on a range of issues within this area.

36. The Working Group noted with satisfaction that, in 2014, the Prime Minister, in his Statement of Government Policy, mentioned Afrophobia, indicating that Government was aware that a particular discrimination based on lack of knowledge of the African continent and Afrophobia, affected people of African origin or descent living in Sweden and that it would not tolerate racial discrimination. The Working Group welcomes plans to develop a national action plan against racism and a National Human Rights Institute, and urges the Government to ensure that the plan and the Institute have a special focus on promoting the human rights of people of African descent as a particular group in need of protection.

37. The Working Group learned that the Multicultural Centre was awarded a Government grant to undertake a study on Afrophobia in Sweden; the Working Group found the report (footnote 2 above) to be an excellent overview of studies relevant to mapping of Afrophobia in Sweden and in providing a number of key recommendations.

The Working Group hopes that the report will foster a nationwide discourse on how best to deconstruct/combat Afrophobia.

38. The Swedish Agency for Youth and Civil Society distributes Government grants to non-governmental organizations (NGOs) and foundations under the Ordinance on State Grants for Activities against Racism and Similar Forms of Intolerance. This funding is designed to support activities that prevent and combat racism, racial discrimination and forms of intolerance such as Islamophobia, Afrophobia, anti-Semitism, anti-*gypsyism* and homophobia.

39. It has been pointed out to the Working Group that the Swedish Agency for Youth and Civil Society do not award "operational" grants to NGOs that are dedicated to combating racism, but only project grants. This seems to place an unnecessary burden on those NGOs that are at the heart of fighting racial discrimination in Sweden.

40. The experts noted the special assignment given to the Equality Ombudsman to develop and intensify the work against xenophobia and racism by following up measures in this area and submitting annual reports to the Government. According to Government plans, the Equality Ombudsman will also be given an assignment to carry out awareness-raising measures regarding Afrophobia during 2015 and 2016.

41. The Working Group was also informed that the Government intended to give the Living History Forum an assignment to implement a three-year education project on various forms of racism in history.

42. The experts noted that the National Agency for Education had been given an assignment for awareness-raising in schools regarding xenophobia and racism from 2014 until 2017, which would include training teachers, principals and others in dealing with these issues.

43. It is fundamental, if the State wants to really tackle racism – and specifically Afrophobia and racial discrimination – to historicize the transatlantic trade in captured Africans and enslavement, and to sequence from the other forms of racism coming after that as crimes against humanity. The instrumentalization of "race" as a means of categorization of people is the first step in the institutionalization of "race" as State policy.

44. Sweden is implementing the Council of Europe campaign "No Hate Speech Movement" and the European Union project "Good Relations" as measures to combat racism. Another measure which the Government is taking to address racism is holding dialogues between the Government and groups concerned, including Afro-Swedes.

45. At the municipal level in Malmö, the Working Group was introduced to a Strategic Plan for Anti-Discrimination, a study to implement the Afrophobia report recommendations and a textbook review to map, and correct where necessary, misrepresentations of the history of Sweden and its role during the transatlantic trade in captured Africans, enslavement and colonialism.

46. On the issue of special measures or affirmative action, it is a much-debated concept in Sweden, despite the fact that affirmative action measures based on gender are allowed.

47. The Swedish Government maintains that the lack of a definition of positive or affirmative action can lead to misunderstandings. It informed the experts that there is an exemption from the prohibition against discrimination for ethnicity, and the rules allow positive action with the aim of promoting equal opportunities regardless of ethnicity within employment policy, business and parts of the education system.

48. The Government also mentioned other initiatives under the integration policy that can be described as outreach, promotion and reinforcement measures aiming to accelerate progress towards equal rights, duties and opportunities for all, regardless of ethnic and

cultural background. They include general initiatives targeting the entire population and there are also measures targeting newly arrived immigrants or national minorities.

IV. Manifestations of Afrophobia, xenophobia and racial discrimination

49. Afrophobia seeks to dehumanize and deny the dignity of a large group of people defined by visible characteristics of difference, in this case, their skin colour, imagined psychological or behavioural traits and also by invisible ones, in particular their relation with Africa as a continent (understood as primitive). It is based on socially constructed ideas of "race" and the idea that there is a hierarchy between "races". Afrophobia manifests itself through acts of racial discrimination — direct, indirect, institutional and structural — and physical violence, including hate speech and other forms of harassment targeting black people.

50. While the Working Group acknowledges the steps taken by the Government to address racism and its plans to tackle Afrophobia, it is clear that the level of racist violence and Afrophobic hate crimes in Sweden against people of African descent and the structural discrimination faced by Afro-Swedes is an extensive social problem that has not been addressed sufficiently to date. While other groups such as national minorities have seen improvements, much work still needs to be done to put in place and implement an effective framework for the protection of the human rights of people of African descent.

51. There continues to be a general Swedish self-perception of being a tolerant and humane society, which makes it difficult to accept that there could be structural and institutional racism faced by people of African descent. The policy to ignore "race" creates a gap in the understanding of the problem and preserves the status quo of racial inequalities.

52. The Working Group is optimistic that civil society organizations – together with the affected community of Afro-Swedes and Africans or African migrants without permanent residency – are making progress in developing the necessary knowledge base on Afrophobia and in making recommendations to change behaviour and structural discrimination in Sweden. There is a growing recognition of the problem of Afrophobia and the Government is making plans to put a specific focus on this issue stimulated by civil society demands to address it. It is hoped that this area of work will be prioritized by Government and a national plan implemented in partnership with civil society and the concerned communities during the International Decade for People of African Descent 2015-2024.

53. During their many meetings in Sweden, the experts found the following to be the most pressing concerns affecting people of African descent that must be addressed as a matter of priority.

A. Hate crimes and access to justice

54. The Multicultural Centre Afrophobia 2014 report (footnote 2 above), based on existing statistics and previous research, reveals that Afro-Swedes are the Swedish minority most exposed to hate crimes, and notes an increase in reported hate crimes of 24 per cent since 2008. Between 2008 and 2014 the increase in reported hate crimes was 41 per cent. Afrophobic hate crimes are characterized by a high proportion of physical violence, which often take place in public areas, such as schools, places of work, residential areas, shopping malls and restaurants, making the public areas the most hostile for Swedes of African descent. It is confirmed by the National Council on Crime Prevention, which reports that the most common forms of reported Afrophobic hate crimes in 2014 were unlawful threats

and harassment (37 per cent) and violent crime (15 per cent). Other reported crimes were hate speech, damage to property such as vandalism/graffiti, unlawful discrimination and other crimes.

55. Hate crime and racist crime is addressed in Sweden mainly through chapter 29, section 2 (7) of the Penal Code. It is applicable in respect of all types of crime and provides for the racist motives of offenders to be taken into account as an aggravating circumstance. It may thus be applied when there is a racist motive behind various crimes such as assault, unlawful threat, molestation and inflicting damage. The provision applies when "a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance".

56. People of African descent face daily racism, harassment and hate crimes, and there is a real fear within the communities, especially for young black men, that they could be violently attacked at any time. The experts were informed that people do not trust the police, and there is a perception that the police are not interested in providing them with security, despite the evidence of high rates of hate crimes; the sense is that the police view people of African descent as criminals rather than a vulnerable community that needs protection from racist perpetrators of violence.

57. This information was confirmed by the Swedish National Council on Crime prevention (Brottsförebyggande rådet, Brå), which publishes an annual report on hate crimes in Sweden. It informed the experts that the majority of hate crimes were identified as xenophobic/racial hate crimes and that the group most vulnerable to racist hate crimes is that of Afro-Swedes. In 2013, there were 980 Afrophobic hate crimes reported and in 2014 there were 1,075 Afrophobic hate crimes reported. The statistics gathered by Brå are primarily a statistical summary of the hate crimes reported to the police. A major change in the definition of hate crimes was made in 2008, when Brå expanded the scope of hate crimes to include new hate crime motives such as Afrophobic and anti-*Rrom* hate crimes, since these groups emerged as being particularly vulnerable. One challenge is that these categories are presented in the annual reports from the National Council on Crime Prevention as subcategories to xenophobic/racist hate crimes, and therefore not officially acknowledged as independent categories of hate crimes in the same way as, for example, Islamophobia . The experts recommend that this be changed to make Afrophobic hate crime an independent category of hate crime to give it more visibility and ensure that the phenomenon is monitored and prevented.

58. The Working Group welcomes the establishment of Hate Crime Units in Stockholm and Malmö following local initiatives to ensure that investigations of hate crimes are pursued swiftly and actively. It met with the Hate Crime Unit in Malmö and learned that the anti-discrimination bureaux and other civil society initiatives played a very important role in assisting victims to seek justice..

59. The Working Group encouraged the Government to strengthen and replicate these efforts in other areas, with a dedicated and inclusive team to work with the Afro-Swedes. The Working Group has since been informed that the Swedish Police Authority has decided that all three metropolitan regions in Sweden need specific Hate Crime Units and a third one will be set up in Göteborg. The Working Group spoke to victims and heard numerous reports of violence and criminal acts motivated by hatred towards Afro-Swedes and Africans in particular, and is concerned that, despite some good initiatives such as the Hate Crime Units, in general Swedish law enforcement and the criminal justice system are failing to identify hate crimes, implement the law, investigate the allegations, prosecute, hold perpetrators to account and provide justice for the victims.

60. The Hate Crime Unit in Malmö explained that the community generally had a low level of confidence and trust in the police and did not report crimes as it did not expect the police would take any action. The Unit was trying to build trust with the community, and over the past two years, had better relations. Another difficulty with hate crimes comes from the police, who asked the victims to come with a witness.

61. Following are two examples of hate crime cases. One was described by one of the prosecutors. An Afrophobic racial incident that received a lot of media attention was a staged slave auction that took place at a student association in Lund University in 2011. During the evening, some students representing slaves entered the hall, with blackened faces and with ropes around their necks. They were escorted by white students depicting slave-owners. Later in the evening, the slaves were sold during a staged slave auction. The incident was reported to the police for incitement to racial hatred by an Afro-Swedish human rights defender. He then became the target of racist attacks by a racist artist. A photomontage was manipulated of his face depicting a slave in chains accompanied with the text "Has anyone seen our runaway slave?" The photomontage was posted around Malmö University and in Lund. The person who committed this crime was charged with agitation against a national or ethnic group and defamation. However, he continues to make art with racist messages. Following the incident at Lund University, there was a call for the Government to educate the population about the transatlantic slave trade and its link to modern-day racial discrimination. The Afro-Swedes' Association called on Sweden to designate 9 October as a national memorial day in remembrance of Sweden's participation in the transatlantic slave trade.

62. In the second incident, in 2013, a man of African descent and his two-year-old son were assaulted on a bridge in Malmö. Following a campaign for an investigation into the incident by local Afro-Swedish human rights defenders, another picture appeared of three black men, including the human rights defender, hanging from the bridge. In July 2014, the artist organized an exhibition of his racist art in a local gallery. The police entered and he was taken into custody again. He is appealing the charges on the grounds that it violates his right to freedom of expression.

63. Another example is the Somali community in Forserum, which was subjected to racist hate crimes, harassment and attacks on mosques and community buildings, and whose families were afraid to send their children to school. The initial response from the authorities was insufficient and it was reportedly only when members went to the media that a more serious response was provided to their request for protection and security.

64. In Husby, Stockholm, the Eritrean community reported a number of racist attacks on community centres.

65. There is an apparent discrepancy between the number of reported cases of hate crimes and the number of investigations and convictions, which is a concern. Racial discrimination is also manifested in lack of equal access to justice and the failure to effectively investigate, prosecute and deter Afrophobic hate crimes. The experts are concerned that this creates feelings of mistrust in law enforcement bodies among communities, and discourages them from accessing help when they are themselves victims of crime or rights abuses.

66. Sweden should intensify efforts to prevent and prosecute criminal acts motivated by racial discrimination, intolerance, hatred or negative stereotypes by ensuring effective investigation, prosecution and punishment of the perpetrators and increasing awareness-raising and information campaigns to promote tolerance and respect for diversity and measures for fostering a sense of security for communities at risk. Police need to prioritize Afrophobic hate crimes, provide more resources and improve their competency to deal with

these crimes. Hate crime units are needed throughout the country and they are currently understaffed and unable to do the task due to limited resources.

67. With regard to access to justice, according to civil society, there is an increase in the number of local settlements through the anti-discrimination bureaux (funded by the office of the Equality Ombudsman, of which there are only 16 throughout Sweden). Victims of discrimination can obtain redress locally and relatively quickly without having to undergo the long process that reporting the incident to the Equality Ombudsman often means.

B. Racism and related discrimination in the media

68. The experts were also informed about manifestations of racism and related discrimination in the media, including the Internet with racist, degrading and stereotypical images of black people. Incidents of racism can be reported to the Advertisement Ombudsman (Reklamombudsmannen) alleging violations of the International Chamber of Commerce rules for advertising and commercial marketing that forbids any form of discrimination, including that relating to race, nationality or descent. The Data Inspection Board is reportedly concerned about the increasing complaints from people being violated on the Internet.

69. Civil society has successfully used the Internet and social media as an effective platform to counter racism, raise awareness about Afrophobia in Sweden and create national, regional and international networks to combat racism.

70. There has also been a backlash to their activities, with an increase in cyber hate messages. Anti-racism activists and human rights defenders have been personally attacked in the media for raising attention about racism in the media and advertisements.

71. There are concerns of racist hate speech being published on websites by right-wing organizations. Perpetrators in such cases can be sentenced for agitation against a national or an ethnic group and defamation.

72. The Swedish Media Council published a study in 2013 which showed that the Internet was a very important source for radicalizing and recruiting youngsters into anti-democratic and extremist movements. The Swedish Media Council informed the experts that they were trying to address this, through teaching material and implementation of the Council of Europe's No Hate Speech campaign, to raise awareness about online hate speech and to give support to those who had been subjected to hate speech online, including podcasts which contained legal information about the consequences of hate speech on line.

C. Racial profiling, law enforcement and the criminal justice system

73. Racial profiling of Africans and black people and racist incidents by the Swedish police force were reported to the experts during their consultations with communities, NGOs and civil society.

74. The Equality Ombudsman's office said it was working to get this issue addressed but it was difficult to show a pattern due to the lack of data. Also, on the basis of anecdotal evidence only, underreporting was also a concern.

75. Counter-terrorism measures have significantly impacted ethnic and religious communities. Following a Swedish Security Service (Säpo) report that violence-promoting Islamist extremism and radicalization does exist in Sweden and constitutes a potential threat that should not be underestimated, the Somali community, in particular, has raised

concerns that it is being targeted. Some persons have reported they are victims of multiple, intersecting forms of discrimination, including Islamophobia and Afrophobia.

76. Racial profiling and policing of Somalis was reported in a report published by the Centre Against Racism (Centrum mot rasism). The perceptions and experiences of discrimination and racism among Somalis in Sweden revealed that Somali men were often singled out and put under suspicion in public places as potential terrorists. They also reported experiences of derogatory treatment with authorities, and they experienced "stop and search" practices, especially at airport controls.

D. Disparities in access to health, education, housing and employment

77. The marginalization and racial discrimination against Afro-Swedes is apparent within all sectors of Swedish society, such as education, health, housing and employment. Afro-Swedes born in Africa are highly overrepresented among low-income groups. According to information available, Swedish-born children of foreign-born parents are faced with lifelong challenges that differ greatly from those faced by people with two Swedish-born parents. Many students have experiences of racist attitudes and behaviour from students, teachers and other school personnel. A failure of the school system to counter this seems to be widespread. Also, students and even teachers in higher education seem to encounter similar problems, often without support from the Equality Ombudsman.

78. The Working Group was informed, and was able to witness during on-site visits to residential areas that have large communities of people of African descent – such as Husby in Stockholm and Rosengard in Malmö – how cities are ethnically separated. The European Commission against Racism and Intolerance noted in its 2012 report that discrimination in the housing market – which particularly affects Afro-Swedes, Romas, Muslims and asylum seekers – contributes to educational segregation and inequality. There is clearly a connection between residential ethnic segregation, poverty and disparities in access to employment, health and education services. The Equality Ombudsman's report about discrimination in the housing market contains recommendations that are useful in this regard and should be implemented.

79. The Anti-Discrimination Act provides the legal framework to address discrimination, but the problem is with enforcement of the law. The Equality Ombudsman will review cases and decide if his office can file, as there are no resources to deal with all the cases. There are very few options, as engaging a lawyer is expensive. It was decided to focus on structural discrimination; therefore, another mechanism is needed to address other forms of discrimination.

80. The Equality Ombudsman reported that the majority of complaints received were related to ethnic discrimination in employment. The experts were told by representatives of Afro-Swedish communities that non-European immigrants and African migrants, in particular, had the highest rates of unemployment regardless of how long they had lived in the country and no matter how qualified they were. They said it was "as if there is a glass ceiling for people of African descent", with 19 per cent of people of African descent with a university degree in low-skilled jobs, as they were unable to get a job which matched their qualifications. Complaints included discrimination relating to recruitment, dismissal, salaries and staff management.

81. A common example of ethnic discrimination in recruitment is that a person with a migrant background reports that she/he was not called to an interview, or did not advance in the employment procedure. The complaints are frequently about discrimination due to a foreign-sounding name. The experts were told that people of African descent had changed their names in order to be successful. However, it is often difficult to prove ethnic

discrimination in these cases only from that fact. It is also difficult to prove claims of ethnic discrimination based on equal or better qualifications compared to others. Those forms of discrimination, while not being proved, are a sign of deep and structural racism.

82. With regard to health, marginalized communities have raised concerns about accessing health-care services on account of discrimination, costs of services, or because services do not respond adequately to cultural considerations. The experts received reports that health clinics, banks and other essential services were being pulled out of some "ethnic" neighbourhoods.

83. Communities also reported violations and interference in family life based on ethnic prejudice and overzealous social service officials. For example, a Somali girl was taken from school and forced to undergo a gynaecological examination after suspicion that her parents had subjected her to female genital mutilation. In this case, the Equality Ombudsman sued the municipality for allowing such an intrusion into the girl's privacy, based solely on suspicion. The district court ruled that the municipality should pay damages to the family. Another case the experts heard was of a girl who was taken into care by the authorities against the wishes of her father.

84. There is a need for a holistic approach to combat discrimination and racism faced by Afro-Swedes in housing, education, employment and health, in order to analyse and address the connection between discrimination and poverty and social exclusion.

E. Multiple forms of discrimination

85. Discrimination on multiple grounds were reported to the experts during the visit. The experts were told how discrimination on the basis of skin colour, "race", ethnicity, nationality, class, gender and other identities intersected to compound the oppression they felt. Racism and the intersecting categories of other grounds of discrimination in Sweden need to be studied further to identify the causes and effects, and to develop strategies to address them.

86. Afro-Swedish and African Muslims are an especially vulnerable group in society. Islamophobia is reportedly growing stronger with the xenophobic, nationalist party, the Sweden Democrats, and other groups promoting Islamophobia and inciting hatred by making links between Muslims and terrorists.

87. The experts were informed about discrimination on the grounds of "race", religion and gender. In particular, black Muslim women commented on how they felt discrimination on these three grounds, as discrimination on religious grounds was strongly related to appearance and dress that made them stand out. People who differed in their clothing faced significant discrimination in Sweden. Muslim school girls and Muslim women with headscarves were found to be especially vulnerable in public places, in work situations and at school. The intersectionality of these forms of discrimination made the violation of human dignity more intense.

V. Conclusions and recommendations

A. Conclusions

88. **The Working Group acknowledges the efforts the Government is taking to address racism and implement human rights recommendations received in this regard. In their meetings with Government authorities, the experts found that there is**

now a general recognition of the need to address Afrophobia as a serious phenomenon in the country.

89. Despite advances regarding the protection of some vulnerable groups, it is only very recently that Afro-Swedes and people of African descent have been recognized by the Government as a specific group that requires focused attention and protection of their human rights.

90. Afro-Swedes are not protected by being an official ethnic minority as are Roma, Jews, Sami and Finns. Their only recourse is as individuals through the Equality Ombudsman and the anti-discrimination NGOs. While there is no specific authority charged with monitoring and advancing the situation of people of African descent, as is the case for national minorities and other groups which face hate crimes, it is hoped that this will change and the existing structures will create focal points to monitor and address the serious human rights violations that people of African descent face in Sweden.

91. The Working Group reiterates its satisfaction at the Government's willingness to engage in dialogue, cooperation and action to combat discrimination. It understands that this is a long process and not one that can be achieved immediately. The experts hope that this report will support the Government and other stakeholders in this process, and express their willingness to assist in this important endeavour.

92. Despite all the positive measures referred to above, the experts have concerns relating to how the Government addresses the challenges faced by Afro-Swedes and Africans in the country. The experts hope that the Parliament will prioritize the work to combat Afrophobia and racial discrimination in its budget allocations.

93. The Working Group notes that there seems to be a general need for the Government to better recognize and combat the recurring patterns and everyday occurrence of racial discrimination, which has deep historical roots and makes Africans and people of African descent in the country particularly vulnerable.

94. The Working Group is concerned about the difference between the official discourse and on-the-ground findings after meetings with various stakeholders who related their experiences of racist acts and hate speech. Afro-Swedes and Africans expressed their experiences of multiple forms of discrimination based on their skin colour, "race", religion and gender.

95. Heartbreaking accounts from victims reflect their lack of trust in the police and the justice system, and their feelings of marginalization, exclusion, invisibility, economic vulnerability and insecurity. The experts consistently heard complaints of racial profiling stop-and-search, and arbitrary interference in the context of Government counter-terrorism measures and initiatives to clamp down on illegal migrants.

96. The perception is that concerns of national minorities – a status not accorded to Afro-Swedes and Africans – are addressed more seriously by the State. It is the view of the Working Group that the Swedish philosophy of equality and its public and self-image as a country with respect for human rights, non-discrimination and liberal democracy, blinds it to the structural racism faced by Afro-Swedes and Africans in its midst. No country is free of racism, and Sweden is not an exception. For a nation that has been perceived as having a long tradition of tolerance and openness, the relative silence around racism, racial discrimination and Afrophobia is surprising and worrying. Correcting this unacceptable situation can only be done through education of the entire society, from top to bottom, with Sweden facing up to its colonial past and the legacies of European colonialism more broadly. The lack of knowledge of the

history of the transatlantic trade in captured Africans, enslavement, colonialism and the cultures of Africa is perpetuating modern-day racism and essentialization of Afro-Swedes.

97. The Working Group was informed that the Government does not collect disaggregated data on the basis of race and ethnicity. This results in an inability to recognize and address structural discrimination. The focus only on the country of origin makes it extremely difficult to monitor and take action to address racism. The Working Group recommends that the Government conduct surveys based on self-identification.

98. The Working Group was introduced to some statistical and academic research which confirms the existence of racial discrimination and profiling, especially in the report on Afrophobia funded by Government – its findings and recommendations need to be acted upon. The Group heard about discrimination in access to health, housing and employment. It is concerned about the existence of segregated neighbourhoods and reports that health clinics, banks and other essential services are being pulled out of some "ethnic" neighbourhoods.

99. The study on Afrophobia provides an indication of the scale of the problem with clear data that Afro-Swedes and Africans are at the bottom of the socio-economic ladder, regardless of their educational level and citizenship status. Another concern highlighted by communities was the alleged arbitrary interference in family life of Afro-Swedes and Africans. Racial discrimination is also manifested in lack of access to justice and the failure to protect, effectively prosecute and deter Afrophobic hate crimes. We are also concerned about allegations that law enforcement agencies act with impunity when targeting Afro-Swedes and Africans.

100. According to available statistics, Afro-Swedes are most exposed to hate crimes, and reports of Afrophobic hate crimes have increased by 24 per cent since 2008. In this context, hate crime units and investigators are insufficient. Many cases are reported but few are investigated and prosecuted. The Swedish Police are facing serious knowledge, security and capacity gaps in dealing with Afrophobic hate crimes. There has been a rise of ultranationalist right-wing groups and political parties, and the Working Group is concerned that there is a heightened xenophobic and racist attitude against Afro-Swedes and Africans.

101. The following recommendations are made to assist Sweden in its efforts to tackle Afrophobia and combat all forms of racism, racial discrimination, xenophobia and related intolerance, inter alia islamophobia, in society faced by Afro-Swedes and Africans.

B. Recommendations

102. The Working Group of Experts on People of African Descent urges the Government to implement plans to ensure the protection of the rights of people of African descent as a demonstration of Sweden's commitment to fulfil its human rights obligations for all victims of racism, racial discrimination, xenophobia and related intolerance. The experts recommend that the Multicultural Centre Afrophobia 2014 report recommendations be implemented.

103. With regard to the media, while respecting the freedom of expression, the Government should take further steps to prevent, combat and prosecute hate speech and hate crimes, and ensure that no media outlet engages in incitement to racial, religious or xenophobic hatred.

104. **To increase trust in the system, there is a need for an oversight mechanism independent from the Police force, with a mandate to carry out investigations into police misconduct, including acts of racism or racial discrimination. Steps should be taken to monitor and document racial and ethnic profiling in the police force, customs and immigration control, and in security and counter-terrorism actions.**

105. **The Working Group recommend a review of laws to assess their effectiveness in addressing Afrophobia and racial discrimination in consultation with the communities concerned.**

106. **The Working Group recommends that the Government reconsider the omission of "race" from the Discrimination Act and whether it may not both *de jure* and *de facto* lessen the protection against discrimination that is specifically racial and by extension, if it may not prevent the Government from properly recognizing, voicing, addressing and combating racial discrimination in society.**

107. **There is a need to establish a closer, clearer and more structured cooperation with the civil society representing the groups targeted by Afrophobia, xenophobia and racial discrimination and to use their competencies.**

108. **The Working Group encourages the Government to ensure that all victims of Afrophobia and racial discrimination have access to the help and support of an anti-discrimination agency in their municipalities in order to fight against impunity.**

109. **The Working Group recommends that primary and secondary education curricula include information on Sweden's role in the transatlantic trade in captured Africans, enslavement and colonialism, with a link to its legacy and modern-day Afrophobia and racial discrimination.**

110. **More generally, the Working Group underlines that the recognition and contemporary relevance of this history in Sweden could help to understand racism in the country. The Working Group would like to see the Living History Forum as a public authority officially also include the transatlantic trade, with enslavement as a starting point.**

111. **The Working Group recommends that the Government, as an element of public recognition, mark important anniversaries for Afro-Swedes and Africans, such as the anniversary of the abolition of slavery on 9 October, and make the day a national day of remembrance. It should adopt the Stockholm city tour "In the Footsteps of Slavery" (I slaveriets fotspår) and encourage all schools to place it on their academic calendar.**

112. **The Working Group recommends that Sweden include in school curricula the United Nations Educational, Scientific and Cultural Organization's General History of Africa, specifically the ninth volume.**

113. **The Government should gather disaggregated data on the basis of self-identification by Afro-Swedes and Africans. Data on racial discrimination in line with the data protection legislation should be gathered as an effective means of identifying, monitoring and reviewing policies and practices to combat racial discrimination and promote non-discrimination and equality. Statistics on disaggregated data in relation to Afrophobia and xenophobia are needed to create indicators and benchmarks to monitor the situation and measure progress made.**

114. **The Government should institutionalize the recognition of Afro-Swedes as a vulnerable group, as was done with Roma, Jews, Sami and Finns.**

115. **The Government should fund institutions dedicated to protecting Afro-Swedes from racial discrimination in Sweden.**

116. **The Working Group also recommends measures to increase representation of Afro-Swedes and Africans at all levels in the education sector.**

117. **To address disparities in access to housing, health, education and employment for people of African descent, it is recommended that the relationship between discrimination and poverty and social exclusion is studied and addressed. Affirmative action should be introduced for people of African descent, as has successfully been done to improve disparities on the basis of gender discrimination. Recommendations in the Equality Ombudsman's report concerning discrimination in the housing market should be implemented.**

118. **Increased resources and training for teachers should be provided to meet the needs of multicultural children in schools and preschools. Linguistically and culturally appropriate services must be made available particularly within the health-care system.**

119. **Afrophobic hate crimes should be presented in the annual reports from the National Council on Crime Prevention (Brå) as independent categories of hate crimes and not just merely as subcategories to xenophobic/racist hate crimes.**

120. **The Government should allocate more resources to the police and the prosecution authority earmarked to investigate and prosecute Afrophobic hate crimes.**

121. **The Working Group recommends that the Government employ Afro-Swedish or other ethnic minority lawyers and consultants, as a way to increase the rate of confidence amongst members of the Afro-Swedish community in mechanisms of the criminal justice system and the Equality Ombudsman, and increase reporting of Afrophobic hate crimes and other human rights violations affecting people of African descent.**

122. **The Working Group encourages the Government to ensure that the new national human rights strategy includes special projects and programmes to address concerns of Afro-Swedes and Africans. It recommends the establishment of information and knowledge centres for Afro-Swedes and Africans across the country.**

123. **The Working Group urges the Government to strengthen the Equality Ombudsman by implementing in each city with over 100,000 people an independently supported anti-discrimination bureau that should not have to depend upon local government for any part of its budget.**

124. **Finally, as the International Decade for People of African Descent was launched on 10 December 2014, the Working Group recommends that the Government recognize the decade as a step towards a full implementation of the Durban Declaration and Programme of Action, and partner with civil society to take advantage of this historic opportunity to implement a commission working on a national plan for recognition, justice and development of Afro-Swedes and Africans that will effectively ensure that the fundamental rights of people of African descent are applicable, protected and effective.**

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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions

Addendum

Mission to the Netherlands and Curaçao: comments by the State on the report of the Working Group*

* Reproduced as received.

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I. Introduction

1. The government of the Kingdom of the Netherlands welcomes this opportunity to respond to the report of the Working Group of Experts on People of African Descent, following their visit to the Netherlands and Curaçao in June/July 2014.

2. The Netherlands is home to over 190 different nationalities, living mostly in its many cities. We are a highly diverse society with migrants from Africa, Asia, the Caribbean and from other parts of the European Union and other parts of the world. Turkish and Moroccan immigrants mostly originate from the 'guest workers' who arrived in the 1960s and 1970s. Surinamese and Dutch Caribbean immigrants in the Netherlands mostly moved to the European part of the Kingdom because of their link to the Kingdom. Suriname was part of the Kingdom until 1975. Aruba, Curaçao and St. Maarten are autonomous countries of the Kingdom (Aruba since 1986, and Curaçao and St. Maarten since 2010). Bonaire, St. Eustatius and Saba are special municipalities of the Netherlands.

3. Curaçao's population is also highly diversified, with people from over 100 nationalities residing there. Curaçao's population has been affected by an influx of immigrants. There is an Afro-Caribbean majority, but there are also sizeable minorities of Dutch, Latin American, French, South Asian, East Asian, Portuguese, Jewish, and Levantine people. Although the local population is classified as Afro-Caribbean, in many cases, the population of Curaçao consists of people of mixed-race, particularly due to the number of immigrants.

4. In the Kingdom of the Netherlands, spread out across two regions, and with so many different nationalities living together, integration is crucial. In a free and integrated society every individual is able to be themselves, has a sense of belonging and has the capacity to participate.

5. For this reason the Dutch government works hard to combat discrimination. It does so in collaboration with the business community, civil society organisations and individuals, as discrimination is a shared concern and imposes a shared responsibility. Antidiscrimination policy in the Netherlands is a generic policy and does not, in the first instance, target particular groups. If however research or signals from society indicate that a specific strategy is required for a certain group, the government responds accordingly, in line with the broad antidiscrimination approach. The government is in constant dialogue with the public in order to identify signals emanating from various sections of the population. In the framework of the UN's International Decade for People of African Descent specific attention will be paid to dialogue with civil society organisations and active members of the public with regard to the specific problems facing people of African descent. Activities organised as part of the UN Decade will complement generic measures aiming to promote inclusion and a sense of belonging.

6. The government would like to highlight some of the recent additional policy measures that were initiated before and after the visit of the Working Group to Curaçao and the Netherlands in June/July 2014. Since 2010 a National Action Plan has been in place, encompassing different activities and policy instruments to counter racial discrimination. It is currently being revised. A new National Action Plan will be presented to Parliament in the autumn of 2015. The new National Action Plan aims to introduce more effective instruments to prevent and combat all forms of discrimination. It will complement the existing Action Plan to combat discrimination on the labour market.

7. The Dutch government is pleased that the Working Group acknowledged a recent positive turning point: Dutch society is now prepared to engage openly about racism and racial discrimination affecting its populations of African descent. In September 2015 the

government will launch a long-term, broad-based publicity campaign emphasising that no form of discrimination will be tolerated. The campaign will address different forms of discrimination, including racial discrimination. In addition, a guide will be published giving an accessible overview of organisations to which individuals can turn if they suffer discrimination.

8. The policy measures in the 2010 Action Plan against discrimination and these recent developments demonstrate the urgency that the government feels in addressing the issue of discrimination as a whole and racial discrimination in particular.

9. Our responses in some of the areas covered in the Working Group report are set out below.

II. Data Collection

10. The Dutch government is pleased to note that the Working Group welcomes the proactive approach that the Government has taken to the collection of disaggregated data, including by ethnicity. The Dutch government attaches great importance to a good information system and therefore regularly invests in upgrading that system.

11. With regard to the fact that data collection is not based on the principle of self-identification, the Dutch government would point out that according to research, self-identification is biased and therefore an inadequate operationalisation of ethnic belonging. Because it is considered to be a legally sensitive, self-identification may not be used for the purpose of registration in administrative data sources. However, self-identification is allowed in surveys and is frequently used as an additional indicator of ethnic and racial belonging in discrimination research. For example the periodically survey of the integration of migrants conducted by the Netherlands Institute for Social Research contains self-identification questions and questions on perceived discrimination.

12. To be able to follow the participation of older and newer groups in society it is important to record whether an individual is a first or second generation immigrant and whether he or she is of Western or non-Western origin. Without this information, no sound conclusions can be drawn on the degree of integration or appropriate policy solutions found where there is a problem. One important policy principle is that disadvantaged groups must be enabled to catch up with the rest of the population. This type of data allows the government to see if progress is being made in this respect. In addition, it offers an insight into where generic policy is failing and specific policy is required. The necessary information is drawn from the Municipal Personal Records Database (GBA), which contains objective data on the population that government organisations need to carry out their tasks. People's country of birth and their status as first or second generation immigrants are registered. The privacy of the individual and the security of this information are protected under the Municipal Database (Personal Records) Act and the Personal Data Protection Act.

13. In 2014, the Ministry of Social Development, Labor and Wellbeing in Curaçao conducted research on immigrants and the socio-economic divides that exist among immigrants in Curaçao.

14. The Central Bureau of Statistics of Curaçao is also in the process of carrying out a survey on discrimination in Curaçao.

III. Equality and non-discrimination

15. Everyone living and residing in the Kingdom of the Netherlands is protected by law from discrimination. The ban on discrimination is enshrined in article 1 of the Dutch Constitution and Article 3 of Curaçao's Constitution.

16. The Dutch and Curaçaoan governments both strongly rejects every form of discrimination on the grounds of race, religion, belief, sex, sexual orientation, or on any other grounds whatsoever. Discrimination is at odds with the notion of citizenship: it creates obstacles to people's involvement in society and makes it difficult for them to take take part and invest in their community.

17. Like the Netherlands, Curaçao has an Ombudsman who is responsible for handling issues like discrimination, among others, that arise in the public sector.

18. Discrimination is a social problem that occupies a prominent position on the government's political agenda. Negative stereotypes and prejudice breed discrimination of all kinds, including on the grounds of skin colour. As a result, combating prejudice and building tolerance are often part of a broad approach that targets every individual in the Netherlands, for example via a broad publicity campaign and in education. To combat discrimination the whole of society must be involved: individuals, businesses, civil society organisations and the authorities. The Dutch infrastructure in this area, including bodies like the antidiscrimination services and the Equal Treatment Commission, is accessible to everyone and is equipped to deal with discrimination on any grounds.

19. The Dutch government rejects every form of discrimination in equal measure. Since 2011 the Netherlands has shifted from an ethnic-oriented antidiscrimination policy to one which is problem-oriented. This policy is in principle a generic one because the government seeks to establish services that will help anyone who suffers unequal treatment or discrimination. Its approach is to tackle problem areas (themes or circumstances) like discrimination on the labour market or the internet, rather than shaping specific policies on the basis of the particular ethnic group that might be suffering discrimination in these areas.

20. If research or signals from society show that a specific approach is needed, the Dutch government responds appropriately, but in line with the broad policy. One example is the focus on discrimination against Muslims, anti-Semitism and discrimination based on skin colour. The latter form is currently receiving extra attention through the UN's International Decade for People of African Descent.

A. Employment and Poverty

21. The report states that while there has been an improvement in the position of people of African descent on the labour market in the Netherlands, discrimination against them in the area of access to employment remains a concern. The government has launched an action plan containing 24 measures to tackle discrimination in the labour market, all of which are currently being implemented. The report specifically mentions discrimination by employment agencies. The government believes it is important for the recruitment industry to tackle discrimination itself and would draw attention to some of the measures the industry is already taking. Both the Federation of Private Employment Agencies (ABU) and the Dutch Association of Placement and Temporary Employment Agencies (NBBU) have investigated discrimination in the sector and both will carry out another investigation (probably in 2015).

22. The entry into force on 1 July 2015 of the Sham Employment Arrangements Act has made it possible to publish data collected by the Social Affairs and Employment

Inspectorate. These include information relating to enterprises which break the rules, for instance by discriminating.

23. Since April 2015, the ILO Convention on Maritime Labor (186) is also in force in Curaçao. This protects the rights of seafarers (from the Netherlands or internationally) against (racial) discrimination when they are aboard at sea on Curaçaoan vessels.

24. In February 2014, the Government of Curaçao set up the National Tripartite Dialogue, Diálogo Nashonal pa un Kòrsou Avansá, with the mission of bringing together leaders in the public sector, private sector and civil society (working unions for example), to discuss issues that are important for Curaçao. The setting up of such a group, with an aim towards helping with the development of Curacao, and working on topics such as but not limited to (racial) discrimination in the workplace, allowed Curaçao to ratify the ILO Convention concerning tripartite consultations to promote the implementation of international labour standards.

B. Education and awareness-raising

25. The report states that according to information received, pupils from ethnic minority groups are disproportionately referred to special education, partly because of behavioural and psychological problems. The Dutch government wishes to point out that special education is not intended for particular population groups but for pupils with specific educational needs. If pupils of African descent have such needs, this type of education will be offered to them. Indeed, extra funding is available for special education, to ensure that these pupils get the best possible schooling.

26. Regarding the working group's concerns about the absence of human rights education within the national curriculum, the government would observe that one of education's most important tasks is to teach children how a democracy governed by the rule of law functions and about the core values underlying that system. In addition, schools are required to help their pupils become good citizens. The core curriculum, embodied in the attainment targets, includes a focus on human rights. Attainment target 47 for the lower years in secondary education reads: 'Pupils learn to place current tensions and conflict in the world in their context and in the process come to understand the effect they have on individuals and societies (national, European and international); they learn about the interdependent nature of the world, the importance of human rights and the significance of international cooperation.' The State Secretary for Education, Culture and Science (OCW) has commissioned the Netherlands Institute for Curriculum Development (SLO) to develop support materials for schools working on their citizenship modules, which include a human rights component. Furthermore, the State Secretary is leading a public debate on the course compulsory education should take in order for it to be sufficiently future-oriented. The debate is being organised by the Education 2032 Platform. This will ultimately lead to a redrafting of the curriculum. Citizenship is a key element in the debate. Human rights organisations and NGOs can also take part in the discussions and express their ideas and wishes. The platform is expected to issue its recommendations at the end of 2015. The State Secretary will then consider the position of citizenship skills in the curriculum as part of his response.

27. Regarding teaching on the history of transatlantic slave trade in the curriculum of compulsory primary and secondary education in the Netherlands, due attention is paid to important subjects like slavery (including the Dutch' involvement with human trafficking and forced labour in the so called New World from the 17th to 19th century), and the present-day multicultural society. With regard to the latter, pupils in lower secondary education are obliged to have a basic knowledge of history including slavery, plantation colonies and the rise of abolitionism (attainment target 37). The subjects "Slavery (circa

1637-1863), Human trafficking and forced labour in the New World") and "Diversity in the Netherlands (since 1945), the multicultural society" are part of the Canon of the Netherlands. The website www.entoen.nu presents outlines of the various themes in the Canon, and provides support and suggestions for teachers to address these in their lessons.[1] See for example these pages (which are in English, they are also available in other languages, including Dutch).

28. In the upper years, the subject of slavery and abolitionism is part of the mandatory history curriculum and the national examination. Pupils learn about the expansion of European dominance, predominantly in the form of plantation colonies and associated trans-Atlantic slave trading, and the rise of abolitionism. The subject is also often discussed by history teachers in the Dutch History Teachers Association (VGN) and its magazine Kleio. The magazine features regular blogs, model lessons and opinion-sharing on subjects that merit special attention in the classroom, such as slavery, the Holocaust and religion. With the aid of this professional dialogue, it is the responsibility of teachers to ensure that every subject in the curriculum is taught with respect and cultural sensitivity.

29. The canon of the Netherlands is presented to the public in the Netherlands Open Air Museum, where attention is paid to the Dutch slave-trading past. The Rijksmuseum Amsterdam, the National Maritime Museum, and the Zeeland Archives and the National Archive also have exhibitions and education material for schools on this subject.

30. In Curaçao, the public elementary education system offers possibilities to study in both Dutch and in Papiamentu. Secondary school curriculums are taught mostly in Dutch and are based on the Dutch system, and provide language courses in Papiamentu, English, Spanish and French. While teaching students in Papiamentu could be seen as an advantage, initially making education more accessible to the whole population (since Papiamentu is more widely spoken than Dutch), the fact that majority of the system is based on teaching in Dutch provides students with mobility, especially because higher education curriculums, both in Curaçao and abroad, are offered in either Dutch or English. Although the Government of Curaçao firmly believes in ensuring that everyone has the ability to learn Papiamentu if they so wish, there is a lack of learning resources in the language, thus making it difficult to provide students with a higher quality education, and limiting students from continuing to study at higher levels either in Curaçao, in the region, and abroad.

31. In order to make the public education system equally accessible to the whole population of Curaçao, including ethnic minorities and (il)legal immigrants, Curaçao provides financial support for families whose children could not go to school because of the financial burden linked to education. The programme, called Enseñanza Liber ensures that the high financial burden linked to going to school in Curaçao was mitigated, eliminating socio-economic barriers that could have prevented some parts of society from getting at least a basic education.

32. Additionally, the Kuminda Kayente programme ensures that students in certain neighbourhoods and whose families cannot afford to feed them are given warm meals and

[1] See for example, http://www.entoen.nu/en/main-lines (in particular line 8). The main lines of the canon are meant to serve as background texts to the fifty windows. They are the threads running through the history of the Netherlands that indicate the cross-links between the separate windows, thereby helping to create cohesion in the topics, objects, persons and themes of the canon. See http://www.entoen.nu/slavernij/en (on slavery) and http://www.entoen.nu/veelkleurignederland/en (on diversity and the multicultural society), all available in other languages. See too the educational website of Ninsee (National Institute for the Study of Dutch Slavery and its Legacy) at www.slavernijenjij.nl (in Dutch).

in some cases even breakfast, to ensure that malnutrition does not inhibit their learning process.

C. Administration of Justice

33. The Working Group remarked in its report that despite measures to raise public awareness of discrimination and to encourage victims to report offences, it feels there is still under-reporting and under-prosecution of discrimination. The Dutch government would like to stress that it fully recognises the importance of an appropriate response under the criminal law to offences committed with discriminatory motives. Tackling discrimination is a priority to the police. Since 1 May 2011 the Public Prosecution Service (OM) has demanded a heavier sentence (up to an increase of 100%) for offences with a discriminatory aspect or motive, thus implementing the recommendation of the European Commission against Racism and Intolerance to consider racist motives as an aggravating circumstance.

34. In addition, the Dutch Minister of Security and Justice has recently commissioned a study of discrimination cases at all stages of the criminal justice system. This will also provide insight into the nature and volume of discrimination cases coming before the courts. The results of the study are expected towards the end of 2015.

35. Since 2008 the Dutch regional police forces have registered incidents of a discriminatory nature. In 2013 they recorded 1313 incidents involving discrimination on the grounds of colour. In September 2015 a study will be published on the basis of figures from 2014, looking in more detail at this type of discrimination when directed against people of African descent.

36. Dutch municipalities have a local responsibility to put effective antidiscrimination policies in place and provide their citizens with access to an antidiscrimination service that can offer assistance to victims. Central government encourages and facilitates municipalities in performing these tasks but it is primarily the responsibility of local government and local representative bodies. The Minister of the Interior and Kingdom Relations has announced that he will commission a study in 2015 to obtain a clear view of the functioning of the Municipal Antidiscrimination Services Act in each municipality.

37. The national publicity campaign referred to in the introduction, which starts in September 2015, also aims to provide detailed information on where victims can report discrimination and will therefore generate more publicity for antidiscrimination services.

38. The report notes that the acts listed in the criminal law provisions against racism and racial discrimination are not prohibited on grounds of citizenship and language. The government recognises the importance of defining discrimination on the grounds of citizenship or language as a criminal offence. The current legislation in fact provides for this. One of the grounds listed in the anti-discrimination provisions of the Criminal Code (articles 137c-137g) is 'race'. According to the Netherlands Institute of Human Rights (SIM), any distinction made on the basis of language can amount to indirect discrimination on the basis of race. In accordance with the UN Convention on the Elimination of All Forms of Racial Discrimination, the ground 'race' embraces characteristics of a physical, ethnic, geographical, cultural, historical or religious nature. This has been confirmed by settled case law of the Supreme Court (see for example the Supreme Court ruling of 13 June 2000, *Nederlandse Jurisprudentie* 2000, 513). This includes discrimination against a person on grounds of descent, as well as language and citizenship where these are markers of descent. The government therefore believes that there is no need to add citizenship and language as separate grounds for discrimination to the provisions of the Criminal Code.

39. The Dutch police – in cooperation with various partners – continually seek to combat discrimination. Preventing ethnic profiling by the police is crucial to the force's effectiveness and legitimacy.

40. Police training is an important instrument in safeguarding the quality of the Dutch police organisation and its officers. In the generic police education and via training sessions in the regional units, attention is devoted to preventing discrimination, ethnic profiling and prejudice. Multicultural craftsmanship is a standard element of every officer's education. One example of the many regional study sessions and training courses is the course on selection mechanisms run by the North Holland unit. It consists of a workshop ('Brown eyes - blue eyes') that divides the trainees into groups to allow them to discover and experience the impact of exclusion. The Public Prosecution Service has set up the National Discrimination Expertise Centre to optimise criminal enforcement in cases of discrimination. Training in the fields of discrimination and hate crime is also offered to the police, public prosecutors and judges.

41. No evidence of systematic ethnic profiling in the Netherlands has been found in the research. In the great majority of situations, actions taken by the police can be justified on the grounds of specific behaviour, information or the circumstances of the case. Nevertheless, bearing in mind the perceptions of young adults, there is reason for the police to focus more on liaison work and community relations, and the way they approach members of the public.

42. The further measures announced in 2014 on preventing ethnic profiling are evolving. They have the attention of police management and senior officers. Steps are being taken to increase awareness through education and training. Community relations meetings are being organised. An amended complaints procedure, guaranteeing the independence of the complaints committee, entered into effect on 1 December 2014. Meetings between the police and relevant interest groups, including Amnesty International, the Caribbean Dutch Consultative Body (OCAN) and the Partnership of Moroccan Communities in the Netherlands (SMN), are continuing.

43. The Dutch police have also developed a new vision and diversity policy framework entitled 'The power of diversity'. Efforts are currently being made to attract more recruits with a dual cultural background.

44. In addition, the national Dutch police are working hard to improve the procedure for reporting offences. The aim is to ensure that crime can be reported anywhere, at any time and in different ways, and that victims receive good feedback. The educational level of intake and service staff is being reviewed. In the near future, members of the public will be able to follow the progress of their complaints. A complaint of discrimination must always be recorded and the registration system will be further improved.

45. The national detention centre in Curaçao, *Sentro di Detenshon i Korekshon Kòrsou*, has not yet reached its capacity. However, to avoid violence and confrontation between inmates, members of rival gangs and nationalities are generally held in pockets of the prison, far away from one another. Although this mitigates the possibility of conflict, this leads to pockets of over-crowded cell areas. In addition, the Government of Curaçao has been developing capacity building projects to overcome social barriers and gang violence in the detention centre in Curaçao. Prison management is also working to optimize the rehabilitation processes.

D. Multiple discrimination

46. The Working Group states that it has received information about the continued practice of detaining unaccompanied children and families with children upon their arrival

and urges the Dutch government to revise its policy in light of the International Convention for the Rights of the Child. The information received by the Working Group does not accurately reflect policy and practice in the Netherlands.

47. Families with minor children arriving at the external Schengen border who do not comply with the formal grounds for entry into the Netherlands and ask for asylum will be screened by the border police and the immigration service. The screening looks specifically at any grounds for refusing entry, which include doubt as to the family relationship, suspicion of child smuggling and human trafficking, and signs of a breach of public policy. If the outcome is that there are no demonstrable grounds for refusing entry, the family will be placed in a regular open reception centre. If such grounds are present, entry will be refused. Depending on the outcome of the screening, the family will then be placed in a secure family accommodation centre or, if for example child smuggling is suspected, the alleged parent will be placed in border detention and the child under temporary guardianship. Border screening came into force for families with minor children in September 2014. To date, the results of screening have been positive. In the period from September 2014 to May 2015, all families that underwent screening met the criteria and were placed in the regular asylum procedure. If families with children under the age of 18 arrive at an external border and ask for asylum, they are transferred to an alternative, open form of shelter where they can stay during and after the asylum procedure. Unaccompanied minors are not subject to border screening.

48. In Curaçao, various legislation has been created to address issues of (racial) discrimination, particularly with regards to women and children. In accordance with ILO Convention no 183, the maternity leave period was extended by national law. Additionally, the National Committee on Child Abuse and Domestic Violence was established in October 2013.

49. *Onderzoek Migratie en Immigratie Curaçao*, a survey-based research project on migrant women and children, started in 2013, focusing on determining the impact of migrants on Curaçaoan society.

50. In Curaçao, live-in domestic workers immigrating to Curaçao are emphasized with regards to labour laws: minimum wage regulations, vacation regulations, maternity leave and paid leave are all specified in this law.

IV. Racism and xenophobia

51. As explained in the 'Integration, Social Cohesion and Citizenship' policy document, the dynamic processes of change inherent in our society call for a flexible dialogue enabling the Dutch government to identify signals emanating from the various sections of the population. The dialogue must enhance the required expertise on specific problems and their background, and contribute to regular policy and to resolving any problem areas within that policy, as well as to successful interventions and methods. In view of this, the government believes that the authorities must remain in active contact with society on themes such as discrimination, racism and social stability, but also on issues like language acquisition and parental involvement in their children's education. Given the variety of issues, the dialogue is flexible, allowing different groups to be invited depending on the topic.

52. This autumn the Dutch government is launching a long-term, broad publicity campaign that will emphasise that no form of discrimination will be tolerated. Another aim is to encourage victims to report offences, so a guide will simultaneously be published on the website discriminatie.nl giving an accessible overview of organisations to which

individuals can report discrimination. The campaign will first target discrimination in general, and later focus specifically on issues such as race or labour market discrimination.

E. Racism in the media, on the internet and in sports

53. The Dutch government shares the Working Group's concerns regarding increasing intolerance in social media and on the internet. The way in which people make discriminatory remarks and incite hatred or violence motivated by discrimination on social media is alarming. Events elsewhere in the world contribute to intolerance, fear and prejudice based on origin. This stands in the way of a society in which all individuals are free to be themselves, without fear.

54. Since 1 January 2013 members of the public can report statements or images discriminating against groups on the internet discrimination hotline (MiND) at http://www.mindnederland.nl, an initiative of the Ministry of Security and Justice and the Ministry of Social Affairs and Employment. MiND has an efficient system of processing reports and contacts the Public Prosecution Service directly when reports give grounds for a criminal complaint. In 2014 MiND received over 22% more reports (305) than in 2013. Most discriminatory statements (137) were made on social media, the majority on Facebook and Twitter. Partly for this reason, MiND set up an online campaign on Facebook to encourage people to report online discrimination. MiND is making every effort to step up its communication activities, directed principally at generating reports from victims themselves. Because of the enormous importance of social media to young people, the Minister of Social Affairs and Employment has organised an expert meeting in the second half of 2015 on the use of social media and ways to reduce intolerance and discrimination by young people on social media. Various media parties and internet providers will also be invited to the meeting.

55. The Ministry of Health, Welfare and Sport asked the sports federations and the NOC*NSF (Dutch Olympic Committee*Dutch Sports Federation) to develop an action plan entitled 'Towards a safe and secure sporting environment'. The action plan will run until the end of 2016. The plan encourages positive behaviour and aims to tackle undesirable behaviour on and around the playing field so that everyone can engage safely in their preferred sport. Antiracism and antidiscrimination are an integral part of this approach.

F. Racism in cultural events

56. The celebration of Sinterklaas is an old Dutch tradition shaped by Dutch society itself. Everyone can participate in this celebration and this celebration is intended for everyone. The tradition has always changed and evolved, and will continue to do so. The Dutch government acknowledges the pain felt on both sides of the debate: by those who celebrate Sinterklaas with joy and by those who are offended by the figure of Black Pete. Dutch society as a whole has a responsibility to make Sinterklaas a celebration for everyone. The Dutch government is therefore promoting and facilitating an ongoing dialogue between all parties involved in the public debate regarding Black Pete's image. The Minister of Social Affairs and Employment facilitates round table sessions for this purpose. The Dutch government shares the view of the Netherlands Institute for Human Rights that a ban on Black Pete is not an appropriate solution, but that the government plays a role in enhancing and facilitating a respectful national dialogue leading to initiatives by society to change Black Pete into a figure acceptable to all.

57. In addition, the Netherlands Institute for Human Rights has given an opinion on the discriminating aspects of the celebration of Sinterklaas in schools. The Institute emphasised

the responsibility of school boards to create a discrimination-free learning environment. Schools have a duty to remove the discriminatory elements associated with this tradition in the future. The government endorses the importance attached by the Institute to a continuing dialogue between parents, staff and other people involved on ways to celebrate the feast of Sinterklaas and about Black Pete's role in those celebrations.

58. The Netherlands ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in 2012. The tradition of the Sinterklaas celebrations was added to the National Inventory of Intangible Cultural Heritage by the Dutch Centre for Intangible Cultural Heritage (VIE) on 15 January 2015 on the nomination of *the Sint en Pietengilde*.

59. The VIE is responsible for coordinating the national inventory of intangible heritage and is part of the Netherlands Open Air Museum in Arnhem, which is funded by the government. Together with the museum, the VIE is tasked with developing a centre of excellence for intangible heritage. One of the obligations imposed by the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage is to draw up one or more inventories of the intangible cultural heritage present in the territory of the State Party. These inventories are to be regularly updated. The government facilitates the development of the national inventory, but does not decide which traditions will be included. It merely sets the criteria with which the inventory must comply, for instance cultural diversity and accessibility for communities. The Netherlands has opted for this bottom-up procedure in line with the UNESCO Convention.

60. Prior to the nomination of the tradition of the Sinterklaas Festival for the national inventory, the VIE held talks with various groups in society on the different views regarding the role of Black Pete in the Sinterklaas festival. It then commissioned a study which explored the different views of opponents and supporters. The National Inventory provides an opportunity to address the problems relating to Black Pete. The nomination action plan as drawn up by the *Sint en Pietengilde* states that a respectful dialogue will take place between supporters and opponents and that changes will gradually be made in the way the tradition is celebrated. The UNESCO Convention established a number of international lists for which member states can submit nominations. The function of these lists is different from that of the national inventory. The Dutch government itself has no intention of nominating Sinterklaas for any of the international UNESCO lists.

61. The abolition of slavery is commemorated every year on 1 July. The Ministry of OCW attaches great value to supporting the commemoration of this part of Dutch history. It has therefore allocated long-term funding to ensure that the annual ceremony can continue to take place.

62. An increasing number of studies and books are being published about the Netherlands' slavery history. A good example is *Quaco, a life in slavery*, a book in comic-strip format intended for secondary school pupils, which was recently presented to the Minister of OCW.

63. In Curaçao, the celebration of Sinterklaas also takes place. Nevertheless, despite the multi-ethnic society, the national dialogue about the figure of Black Pete did not take off in Curaçao as it did in the Netherlands. The reasons for this are still unclear, however local anthropologists suggest that the lack of interest in this discussion does not stem from ignorance or the internalization of discrimination. From its beginnings, Curaçao has always been a multicultural society. People take the tradition for what it is, as they do with other religious and ethnic traditions and celebrations. Needless to say, in some cases the figure of Black Pete were painted different colors.

G. Decennium

64. On 23 December 2013 UN Resolution 68/237 proclaiming an International Decade for People of African Descent was adopted. The decade runs from 1 January 2015 to 31 December 2024 and calls on member states to take action against racism, racial discrimination, xenophobia and related intolerance (based on race, colour, or national or ethnic origin), so that the fundamental rights and freedoms of people of African descent can be safeguarded and protected. As part of its activities during the decade, the government intends to step up measures to tackle racism in the Netherlands.

65. The national approach to the decade will be shaped in close cooperation with the relevant ministries, municipalities, civil society organisations and individuals active in this area. An analysis of the problems encountered by people of African descent will form the basis for the activities, which will supplement generic measures aiming to promote inclusion and a sense of belonging. All activities will be in line with current principles of antidiscrimination policy and will be included in the review of the interministerial antidiscrimination action plan promised to the House of Representatives in the autumn. The main priority will be to achieve sustainable results.

66. In line with UNDPAD, Curaçao will endeavor to raise awareness among the public and government officials alike on the International Decade for People of African Descent along the central theme of: recognition, justice and development.

V. Conclusion

67. **The Government of the Kingdom of the Netherlands attaches great importance to its dialogue with the United Nations on human rights issues through its various mechanisms and works closely with the different human rights treaty bodies. In this context, in July 2013 it submitted the regular CERD reports, due to be discussed on 18 and 19 August 2015. There is an overlap in the issues raised by the Working Group and the concluding observations of the Committee on the Elimination of Racial Discrimination in 2010. The topics mentioned in this report will therefore also be touched upon during this discussion.**

68. **The government thanks the members of the Working Group for this valuable report and looks forward to continuing its dialogue with CERD and other UN bodies in the years to come.**